



THE CITY OF NEW YORK
LAW DEPARTMENT

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

June 16, 2023

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BY ECF

The Honorable Lorna G. Schofield
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Aguilo, et al. v. City of New York, et al.*,
Civil Action No: 1:22-cv-09204**

Dear Judge Schofield:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants the City of New York ("City") and the New York City Police Department, in the above-referenced matter. Plaintiffs' Complaint alleges that Defendants failed to provide on-site interpreters or other communication technology to people who are deaf and brings claims under the Americans with Disabilities Act, Rehabilitation Act, New York State Law, and New York City Law. I write jointly on behalf of all the parties, pursuant to your Honor's directive to provide a status report by June 15, 2023.

The parties have completed the majority of paper discovery. Specifically, the parties have served initial disclosures, document requests upon each other, produced responses, served interrogatories, and agreed to a protective order to produce confidential documents. And the Parties will each exchange responses to their interrogatories by June 23, 2023. Thus, much of paper discovery has been completed, though neither party has waived the right to further productions or requests. Given that there are eight Plaintiffs, who allege multiple interactions with different police officers, the parties anticipate that they will have to conduct approximately 15 to 20 depositions in order to complete discovery.

In light of recent medical issues of counsel, and given the number of depositions, including those of Plaintiffs which will require interpreters and take longer than usual, the Parties jointly respectfully request an extension of time to complete fact discovery, which is currently scheduled to close on July 25, 2023.

There are several reasons for the Parties' requested enlargement. The first is medical issues in my office. I recently suffered a knee injury which has caused me to miss several days of work and, depending on the results of an upcoming MRI, may require surgery, which would lead to further delays. Additionally, a colleague on my team unexpectedly had to take

emergency leave, causing my supervisor and our team members to take on additional work to support the work of our colleague.

The number of depositions is also quite large and will likely take more time than typical depositions. Defendants will depose each of the Plaintiffs, and the Plaintiffs intend to depose the police officers who responded to the number of incidents as well as other New York City employees. And because depositions of the Plaintiffs will require Certified Deaf Interpreters (“CDI”), in addition to American Sign Language Interpreters (“ASL”) (i.e., both the CDI and ASL Interpreters will work together simultaneously as a team) these depositions are also likely to take a much longer time than is typically needed.

Finally, the Parties believe that settlement for some or all Plaintiffs is possible, should the Court grant this extension. As stated in the previous update, the Parties have agreed that negotiations should begin in earnest when responses to interrogatories are complete. While the Law Department has not completed its internal process for determining if, and how much, authority is appropriate, it anticipates that with this extension the Parties would be able to negotiate before depositions begin. Of course, settlement may not come to fruition, but the Parties contend that the opportunity to negotiate is in the interest of judicial economy.

Accordingly, the parties jointly respectfully request a 90-day extension of time, until October 25, 2023, to complete fact discovery. This is the Parties first request for an extension of time to complete fact discovery.

The parties are working cooperatively to narrow the issues in this matter and reach a resolution. We thank this Honorable Court for its kind attention in this matter.

Application **GRANTED IN PART**. Discovery is extended to **August 25, 2023**. The Civil Case Management Plan issued February 17, 2023, granted the parties' request for an extended timeline for fact discovery due to the need for interpreters. A revised case management plan will issue separately. By **June 30, 2023**, the parties shall file a further status letter. The letter shall state the names of each person to be deposed and the date, agreeable to all counsel and the witness for each deposition, for incorporation into the case management plan. No further extensions of discovery will be granted absent a showing of extraordinary circumstances. So Ordered.

Dated: June 21, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

/s/ Jay Cullen

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